



State of Ohio Environmental Protection Agency

**Northwest District Office**

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Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

Re: Express Auto  
OHR 000 156 901  
Defiance County  
Hazardous Waste/Used Oil  
Complaint #2916  
**Second Notice of Violation**

June 9, 2010

Mr. Ed Sowers  
Express Auto  
04728 State Route 2  
Hicksville, Ohio 43526

Dear Mr. Sowers:

**This Notice of Violation (NOV) letter was originally sent to you on September 8, 2009. It is repeated below in its entirety. You were required to respond to it, in writing, within 30 days. Ohio EPA has not received a written response from you. You must respond within 15 days of your receipt of this second NOV letter.**

Thank you for accompanying me during Ohio EPA's September 2, 2009, complaint investigation (CI) and used oil compliance evaluation inspection (CEI) of Express Auto (EA) located in Hicksville, Ohio. I inspected EA to determine its compliance with Ohio's hazardous waste laws as found in Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745. of the Ohio Administrative Code (OAC). My inspection included observations of your facility's operations. According to Complaint #2916, received by Ohio EPA on September 2, 2009, you bury waste in holes in the back of your facility. This letter will explain the validity of the complaint and the result of the inspection.

When I arrived at the facility I observed a hole at the back of the parking area. Inside the hole I found at least six tires, some tubing and about ten fluorescent lamps. You stated that your former tenant, Mr. Deron Eicher, must have placed the waste in the piles. You explained that you only use the holes for the ash from open burning wood, paper etc. and that you don't place trash in the holes you dig. You also said that the pile of tires in the back of your facility is from Mr. Eicher. There appeared to be 100-200 tires there. I also observed burned oil filters in a barrel in the back of your facility. You said that you burn them to remove the oil and recycle the metal at Omni Source in Defiance.

EA is an automotive and truck repair business. EA generates used oil which it accumulates in three tanks. All of its used oil is burned in a 300,000 BTU/hr. used oil-fired space heater that is vented to the atmosphere. Scrap metal, including oil filters are recycled at Omni Source in Defiance, Ohio.

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**1. Used Oil Container Labeling  
OAC Rule 3745-279-22(C)(1)**

Containers, aboveground tanks, and fill pipes for underground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

On September 2, 2009, I observed three used oil tanks at EA that were not marked with the words "Used Oil". Two of the tanks were located outside and one was located inside the facility. In order to correct this violation, EA must immediately mark or label the three used oil tanks, inside and outside the facility, with the words "Used Oil" and provide me with photographic documentation that this has been done.

EA must also cease burning used oil filters immediately. You must drain the used oil from the filters and properly manage the collected used oil. According to OAC rule 3745-279-10(C) materials containing used oil (like your filters) from which the used oil has been properly drained to the extent possible such that no visible signs of free-flowing oil remain in or on the material are not used oil (and can be recycled as scrap metal). You must acknowledge that this is how you will manage the used oil filters and provide photographic documentation that this is being done.

**2. Waste Evaluation  
OAC Rule 3745-52-11**

A generator must determine whether its waste is hazardous by testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24.

EA has failed to evaluate its spent lamps (all types), according to this rule, and they have been placed into a hole in the ground. In order to abate this violation, EA must evaluate its spent lamps. Instead of obtaining a sample of the lamps and having the sample analyzed in a laboratory, EA may elect to manage its spent lamps (all types) as Universal Waste. The requirements for Universal Waste lamps include:

- Immediately prevent spent lamps from being placed into holes in the ground;
- Place spent lamps into containers that are structurally sound (boxes for example);
- Label the containers with the words "Used Lamps";
- Document the length of time that the spent lamps are stored (place a date on the boxes);
- Store spent lamps for no longer than one year;
- Inform all employees with the responsibility to collect spent lamps of these requirements; and
- Ship the spent lamps to a lamp recycler (please refer to the list of recyclers that I have enclosed with this letter).

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Please explain how you intend to manage your spent lamps and to comply with the requirements listed above. Indicate how you will package the lamps, label the containers, and date the containers. Please submit photos demonstrating that this has been done. Also, please indicate where you will ship the Universal Waste lamps to.

Please be aware that incandescent, fluorescent, metal halide, neon, high-intensity discharge, high-pressure sodium and mercury-vapor lamps could be hazardous waste when discarded. Fluorescent lamps may contain up to 40 milligrams (mg) of mercury, depending on the brand and manufacturer. Lamps may also contain lead and cadmium. Many lamps exhibit a characteristic of toxicity for heavy metals when disposed. I have enclosed copies of the following documents, to assist you in properly managing your spent lamps: Fluorescent Lamps: What You Should Know and Computer, Fluorescent Lamp and Ballast Recyclers. I recommend that you review these documents carefully and contact me if you have any questions. The first document describes the rules you must follow in order to manage lamps as a universal waste.

As a used oil generator you are required to store used oil in containers or aboveground tanks that are in good condition (no severe rusting, apparent structural defects or deterioration) and not leaking. Containers, aboveground tanks and fill pipes for underground tanks must be labeled with the words "Used Oil." If leaks are detected, the generator must: stop the release; contain the release; clean up and manage properly the released used oil and other materials related to the release; and, if necessary, repair or replace any leaking containers or tanks prior to returning them to service. I have enclosed copies of the following used oil fact sheets: The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil, Used Oil Burners – New Guidance for Rebuttable Presumption and Used Oil Recyclers. Please review these carefully and contact me immediately if you have any questions.

In addition to correcting the violations cited above, you must immediately removed all the waste from the hole in the back of your facility and submit photographic documentation that this has been done.

You may be able to further reduce the waste your company generates. If you find ways to recycle, reduce or altogether eliminate the amount of waste that your company generates you may be able to reduce your treatment and disposal costs and you may possibly reduce your regulatory requirements. I have enclosed a copy of Pollution Prevention Opportunities, a worksheet that can help you recognize opportunities for reducing waste and conserving energy at your business. I have also enclosed a copy of the fact sheet Management of Electronic Waste from Businesses. Please review this information and contact me if you have any questions.

I encourage you to schedule a pollution prevention assessment for your business because there are often many opportunities for businesses like yours to reduce waste and save money. If you wish to talk about an assessment or if you have other questions about pollution prevention, please feel free to contact the Office of Compliance Assistance and Pollution Prevention (OCAPP) at (614) 644-3469. There is no charge for an assessment.

The Division of Hazardous Waste Management has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio.

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If you haven't already, we encourage you to sign-up for this free service. You can find more information at the following Web link [http://ohioepa.custhelp.com/cgi-bin/ohioepa.cfg/php/enduser/doc\\_serve.php?2=subscriptionpage](http://ohioepa.custhelp.com/cgi-bin/ohioepa.cfg/php/enduser/doc_serve.php?2=subscriptionpage). Please feel free to share this information with your colleagues.

Enclosed you will find a copy of the checklist I completed as a result of the inspection. If you have any questions, please feel free to contact me at (419) 373-3074. You can find copies of the rules and other information at <http://www.epa.ohio.gov/dhwm>. Ohio EPA also has helpful information about pollution prevention at <http://www.epa.ohio.gov/ocapp>.

Sincerely,



Don North  
District Representative  
Division of Hazardous Waste Management

/cs

pc: Colleen Weaver, DHWM, NWDO  
Cindy Lohrbach, DHWM, NWDO  
Mike Reiser, DSIWM, NWDO  
Tom Cikotte, DAPC, NWDO  
~~DHWM, NWDO, Defiance County, Express Auto File~~

ec: Don North, DHWM, NWDO

**NOTICE:**

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.